



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEEO (690-700)

22 Aug 95

MEMORANDUM FOR COMMANDERS, MAJOR SUBORDINATE COMMANDS
COMMANDERS, LABORATORIES
COMMANDERS, FIELD OPERATING ACTIVITIES
DIRECTORS AND CHIEF OF SEPARATE OFFICES, HQUSACE
DIRECTOR, HECSA

SUBJECT: Discipline for Discriminatory Actions

1. References:

a. Title 29, Code of Federal Regulations, Part 1614, Federal Sector Equal Employment Opportunity, Section 1614.102(a)(6).

b. AR 690-600, Equal Employment Opportunity Discrimination Complaints, Paragraph 1-4(6).

c. AR 15-6, Procedure for Investigating Officers and Boards of Officers.

d. AR 690-700, Chapter 751, Discipline.

2. If a policy or regulation regarding discriminatory actions or sexual harassment has been violated, disciplinary action against the responsible individual(s) must be considered. Violations are discovered through the performance of normal leadership activities and through EEO complaints. Disciplinary action should be considered regardless of whether a complaint was filed and regardless of whether there is a formal finding of discrimination by an external authority.

3. The facts of what happened and the degree of culpability of the responsible individual(s) are prime factors in determining the appropriate corrective or punitive penalties. Unfortunately, EEO complaint reports of investigation usually lack the details necessary for supervisors to consider discipline against individuals. EEO complaint investigations focus on the culpability of the agency, and not on the culpability of individuals. In order to discover all pertinent facts regarding culpability of individuals, an investigation such as defined in AR 15-6 should be conducted by an official appointed by the appropriate commander.

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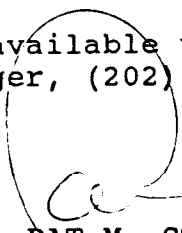
4. If an external authority has found discrimination or sexual harassment, an investigation into culpability is mandatory. If a violation has been discovered in the absence of a formal complaint or a third-party finding, an investigation into culpability should be considered. If there is a question as to whether a violation has occurred, the investigation should also address this issue.

5. When considering disciplinary or adverse action, the proposing official should focus on the conduct giving rise to the suspected violation. If there is a question of whether discrimination or sexual harassment occurred, the underlying conduct itself may constitute an offense which warrants disciplinary action.

6. If the alleged violation was the subject of an EEO complaint, the complaint file should be made available to the appointed investigator. Should disciplinary or adverse action be proposed, the material upon which the proposed action is based should be made available to the employee in accordance with applicable regulations.

7. Proposed disciplinary or adverse action should be coordinated with the servicing employee relations specialist and labor counselor.

8. The HQUSACE EEO Office is available to assist you. The point of contact is John Sellmansberger, (202) 761-0095.



PAT M. STEVENS IV
Major General, USA
Deputy Commander